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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,209	06/20/2003	Dhananjay V. Keskar	42P16126	9022.
8791	7590	03/14/2007	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			SMITH, CREIGHTON H	
		ART UNIT	PAPER NUMBER	
			2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/600,209	KESKAR ET AL.
	Examiner Creighton H. Smith	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date ____	6) <input type="checkbox"/> Other: ____

Applicant's arguments filed 28 FEB '07 have been fully considered but they are not persuasive. In looking back through applicant's spec. to ascertain what exactly applicant means by the term "user context", it is disclosed that "user context" could refer to the fact that a user is currently in a meeting, [0003]; applicant also discloses that "user context" could be information gathered by sensors and adapters or information from the user's calendar such as time of day and user's location, [0010]. Some of the various sensors on the mobile phone include a Light sensor, Tactile sensor, Accelerometer, and Ambient Noise. Bork et al similarly disclose various "user context" input factors in col. 2, lines 55-65, as manual inputs, light sensing, temperature sensing, motion sensing, etc. Therefore, Bork et al do read upon applicant's recital of "user context" because applicant's disclosure in the spec is the same as what Bork et al are disclosing in their patent.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bork et al '657.

Bork et al disclose a wireless communication device (100) that has an intelligent alerting system, col. 3, lines 34-36. Terminal (100) has a CPU (114) that devises an

optimum alerting sequence from determining the operating environment of terminal 100. The CPU 114 will also adjust the audio, visual, and tactile alert signals based on the operating environment. Bork et al disclose a few examples of “user context” information in col. 3, lines 1-7, where it’s disclosed that whether the terminal is in a high or low noise environment, alerts are minimized. In col. 2, lines 4 et seq, Bork et al disclose that no intelligent alerting system exists that will “listen” to the environment by sampling noise levels surrounding the terminal (100) and then generating either a tactile, i.e., vibrating, visual, or audible alerting signal based upon a programmed instruction set. And, therefore, accordingly, Bork et al has recognized a need for a wireless device having an intelligent alerting system that devises an optimum alert sequence from the operating environment of the device.

For claim 2, Bork et al disclose in col. 2, line 7, that their wireless device can modify its notification behavior by generating either a tactile (vibrating), or visual signal. This meets applicant’s limitations in claim 2 of a flashing display screen and a blinking LED.

Regarding claim 4, Bork et al disclose @ col. 2, lines 35 et seq that one of the physical pieces of information is passive audible sensing of the environment which meets applicant’s limitation in claim 4 of “ambient noise information.” In lines 56 et seq of col. 2, Bork discloses some other physical pieces of information that affect the alerting signal the wireless device are; light sensing, temperature sensing and motion sensing.

Pertaining to claim 5, Bork et al disclose in col. 2, lines 58-60 that several other inputs include real time clock (including date). In regard to claim 6, Bork discloses light sensing in line 60 of col. 2.

Concerning claim 7, Bork et al disclose in col. 9, lines 60 et seq it is disclosed that where a real time clock relays a time of 5 PM "during summer in Dallas, Tex." The only way that the wireless phone would know that it is summer would be if it had a built in calendar inside of it. For claim 9, default preferences are disclosed @ cols. 6 & 10, lines 4 & 60-65.

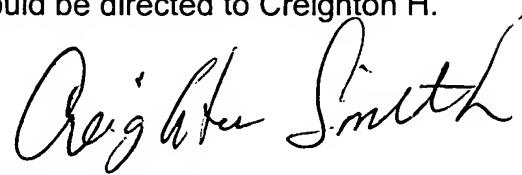
For claim 18, see cols. 10 & 11, lines 65-67 & 1-4, where it is disclosed that there are different alerts for different types of environments, i.e., quiet, noisy, day, night, belt, purse, etc. This means that if the environment is quiet then the phones volume will be lowered and if the environment is noisy then the phone's volume will be raised.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

10 MAR '07



Creighton H Smith
Primary Examiner
Art Unit 2614